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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,014	05/05/2009	Stefan Xalter	22942-0035US1 / ZS 6345PC	9263
26161	7590	11/16/2010	EXAMINER	
FISH & RICHARDSON P.C. (BO)			THOMPSON, TIMOTHY J	
P.O. BOX 1022				
MINNEAPOLIS, MN 55440-1022				
			ART UNIT	PAPER NUMBER
			2873	
			NOTIFICATION DATE	DELIVERY MODE
			11/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/598,014	Applicant(s) XALTER ET AL.	
	Examiner Timothy J. Thompson	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/10; 08/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-27 are rejected since they depend from a canceled claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 24, 25, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spinali(U.S. Pat. No. 6,449,106) in view of Lehman et al.(U.S. Pat. No. 6,095,697).

Note; to speed up prosecution the examiner is assuming that claims 24-26 depend from claim 15.

Regarding claim 15, 28 Spinali discloses housing structure(fig 1A) which has a frame (fig 1A, 132) on which there are arranged via connecting elements several optical elements which are held in mounts or structural modules(fig 1A, 102), wherein the optical elements are detachably connected to the frame structure(col 7, lines 23-30) with their mounts or structural modules and connecting elements(col 7, lines 48-67, which states such as screws means any commonly used fastening means can be

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used), wherein the frame structure and the mounts or structural modules with their connecting elements have at least approximately the same coefficient of thermal expansion(col 4, line 60 to col 5, line 10; col 6, lines 30-40 it states that both the lens barrel and the support can be made from the same materials). Additionally, Lehman et al. discloses a detachable fastening means for an optical device can be a ball and socket(fig 2a, 22, 24). It would have been obvious to use the ball and socket method for attaching the mount to the frame as shown by Lehman et al., with the optical device of Spinali, since as shown by Lehman et al. a ball and socket fastening method is commonly used for fastening an optical device to a frame and thus in the installed state the optical elements are integrated as bearing units in the frame structure.

Regarding claim 24, Spinali discloses using Zerodur(col 6, table 1).

Regarding claim 25 Spinali discloses the objective housing for a projective objective in microliography(col 1, lines 5-15).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spinali(U.S. Pat. No. 6,449,106) in view of Lehman et al.(U.S. Pat. No. 6,095,697) as detailed in claim rejection 15 above and further in view of Hudyma et al.(U.S. Pat. No. 7,735,798).

Regarding claim 26 Spinali does not disclose the objective housing id provided for EUV lithography. However, Hudyma et al. discloses a lithography system is a EUV system stating this allows for scaling to a larger numerical aperture(col 11, lines 64-67).

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It would have been obvious to one skilled in the art at the time of the invention to form a lithography system as disclosed above to be an EUV lithography system as shown by Hudyma et al., with the lithography system of Spinali, since as shown by Hudyma et al. an EUV lithography system is commonly used since this allows for forming a circuit that allows for scaling to a larger numerical aperture.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (571) 272-2342. The examiner can normally be reached on 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mack Ricky can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Timothy J Thompson/
Examiner, Art Unit 2873